

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00173

FREDDY BADGER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 8, 2015, the United States of America appeared by Timothy D. Boggs, Assistant United States Attorney, and the defendant, Freddy Badger, appeared in person and by his counsel, L. Thompson Price, for a hearing on the petition on supervised release submitted by United States Probation Officer Lilla Adkins. The defendant commenced a five-year term of supervised release in this action on May 2, 2014, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 1, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to submit monthly supervision reports for the months of October through December, 2014, and January, 2015; (2) the defendant failed to report to the probation officer inasmuch as he failed to return phone calls or maintain contact with the probation officer beginning January 2015 until the filing of the petition on February 11, 2015, rendering his whereabouts unknown; (3) the defendant failed to notify the probation officer ten days prior to or after his change in residence in that he left Jarrett Terrace in Charleston, West Virginia, the probation officer having learned on January 16, 2015, that he no longer resided there; and (4) the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by him on March 2, 2015, and his admission to the probation officer that he smoked marijuana one week prior to the screen and further admitted smoking marijuana approximately three times in February 2015; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

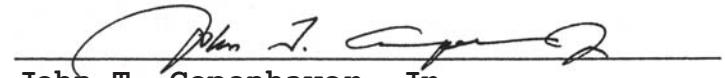
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of fifty-four (54) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 10, 2015


John T. Copenhaver, Jr.
United States District Judge